

# **END ABUSE, EXPLOITATION, TRAFFICKING AND ALL FORMS OF VIOLENCE AGAINST AND TORTURE OF CHILDREN**

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## **Summary**

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## **Abstract**

Child trafficking is a hideous crime but also a hidden crime. Child-Rights approach and child participation as well as the “3P” paradigm, prosecution, protection, and prevention, are the fundamental framework used around the world to combat human trafficking but a “forth P”, for partnership, should complement the former to ensure all segments of society are enlisted in the fight against modern slavery

**Keywords:** children, trafficking, exploitation, violence

## **II. Children Trafficking**

In recent decades, some extreme forms of violence against children and adolescents, including sexual exploitation and trafficking, mutilation genital diseases, the worst forms of work and the impact of armed conflict have caused an international outcry and have achieved a unanimous condemnation. But that, even if it is a very important step, is not enough and a lot of work must be done to improve the situation of millions of children all over the world<sup>1</sup>. Every five minutes, a child dies as a result of violence. An estimated 120 million girls and 73 million boys have been victims of sexual violence, and almost one billion children are subjected to physical punishment on a regular basis.

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<sup>1</sup> Paulo Sérgio Pinheiro. Experto Independiente para las Naciones Unidas. Estudio del Secretario General sobre Violencia Contra los Niños: A acabar con la violencia contra los niños, niñas y adolescentes.

## **II.1. The Sustainable Development Goals and trafficking in persons, especially children**

In September 2015, the international community gathered at the United Nations headquarters in New York to decide upon a new, broad development framework to replace the Millennium Development Goals in order to reach a world of universal respect for human rights and human dignity, rule of law, justice, equality and non-discrimination; of respect for race, ethnicity and cultural diversity; and of equal opportunity permitting the full realization of human potential and contributing to shared prosperity. A world which invests in its children and in which every child could grow up free from violence and exploitation and in which every woman and girl could enjoy full gender equality and where all legal, social and economic barriers to their empowerment had been removed.

To guide global efforts to reach such a world, Heads of State and Government from more than 150 countries announced a set of 17 Sustainable Development Goals (SDGs) with 169 associated targets, considered as a measurable framework for efforts to achieve this vision by 2030. They conform the 2030 Agenda for Sustainable Development and the Sustainable Development Goals.

Therefore, people are at the centre of sustainable development and, for the very first time, the dignity of children and their right to live free from violence and from fear is recognized as a distinct priority on the international development agenda, according to the result of the previous thematic consultations<sup>2</sup>.

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<sup>2</sup> The protection of girls and boys from all forms of violence is a concern the international community could not afford to omit from the post-2015 development agenda: this is a human rights imperative and it is also a question of good governance and sound economics. Despite important progress made in the achievement of the Millennium Development Goals (MDGs) and the knowledge that the protection of children from violence and the promotion of their well-being is closely linked to the development and well-being of societies, violence remains a harsh reality for millions of children around the world. Moreover, the impact of violence on children's health, education and socialisation remains largely invisible and unaddressed. A major reason for this is the fact that no clear goal, targets or indicators were identified in the MDGs to mobilize action and to monitor progress in children's protection from violence. The urgency of addressing violence against children has emerged as a strong concern in regional and thematic consultations as well as in the numerous national consultations held across the world in preparation for the new global development framework. Children and young people, as well as other stakeholders involved in these consultations highlighted a constant and clear concern: violence is a major obstacle to child development and it needs to be brought to an end. From the consultations held with children three major issues have emerged. First, across regions children express deep concern at the high levels of violence affecting their lives: in the community; in schools; in the work place and also within the home. Secondly, in children's views, some manifestations of violence have a special incidence in certain regions, while some groups of children are particularly marginalized and exposed to violence, including those belonging to minorities and thirdly children perceive violence not only as a crucial and distinct

Achieving the goals, especially those related to education and health; Gender equality and violence against women; Child labour; Poverty eradication; Access to justice and accountable and inclusive institutions will help reduce the risk of violence in children's lives and provide effective responses for child victims. But, "*similarly, failing to reach the targets related to violence against children, especially 16.2, will compromise efforts in these areas, and hinder social and economic progress across the agenda*"<sup>3</sup>.

Indeed, SDG 16 calls for the promotion of peaceful and inclusive societies for sustainable development, providing access to justice for all and building effective, accountable and inclusive institutions at all levels. In the context of SDG 16, the international community calls for the *end of abuse, exploitation, trafficking and all forms of violence against and torture of children* (SDG Target 16.2). This Target will be measured by three global indicators: 16.2.1 Proportion of children aged 1-17 years who experienced any physical punishment and/or psychological aggression by caregivers in the past month; 16.2.2 Number of victims of human trafficking per 100,000 population, by sex, age and form of exploitation and, finally, 16.2.3, Proportion of young women and men aged 18-29 years who experienced sexual violence.

Therefore, it can be said that trafficking is considered, along with abuse and exploitation, a form of violence against and possible torture of children but the fact that different SDGs make reference to trafficking in persons<sup>4</sup> emphasizes how human

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priority in the Post 2015 agenda, but also a concern that needs to be addressed in other development goals, especially those set for education, health, gender equality and poverty eradication. See *Why Children's Protection from Violence should be at the Heart of the Post-2015 Development Agenda A Review of Consultations on the Post-2015 Development Agenda*. Office of the Special Representative of the Secretary-General on Violence against Children. October 2014

<sup>3</sup> *2030 Agenda for Sustainable Development: A historical opportunity to end violence against children*. Special Representative of the Secretary-General on Violence against Children.

<sup>4</sup> Trafficking in persons is also explicitly addressed in Target 5.2 on the elimination of all forms of violence against all women and girls in the public and private spheres, including trafficking and sexual and other types of exploitation, and in Target 8.7 on taking immediate and effective measures to eradicate forced labour, end modern slavery and human trafficking and secure the prohibition and elimination of the worst forms of child labour, including recruitment and use of child soldiers, and by 2025 end child labour in all its forms. The data collected by UNODC can also be used to monitor different components of Targets 8.7 and 5.2. For Target 5.2, the UNODC data shows that the share of women and girls among detected trafficking victims is approximately 70 per cent, which is a significant reduction from 2004, although there was a minor increase from 2011 to 2014. In connection with Target 8.7, the UNODC data indicates that the share of victims of trafficking for forced labour among trafficking victims increased from 32 per cent in 2007 to 40 per cent in 2011. More recently, for 2014, this share remained broadly stable at about 38 per cent.

trafficking is a multifaceted phenomenon, with criminal, violence, human rights, migration, labour and gender connotations<sup>5</sup>.

A main concern related to human trafficking is to figure out the current state. Measuring the total volume of trafficking in persons is not an easy task as any assessment of this crime needs to account for the coexistence of its three defining elements, the act, the means and the purpose<sup>6</sup>, as it will further explained. That is why indicator 16.2.2 poses a great challenge to the international community<sup>7</sup>.

United Nations Office on Drugs and Crime (UNODC) publishes since 2009 a *Human Trafficking Global Report* detailed by age and sex, and form of exploitation suffered, for a large number of countries that could generate some baseline data for indicator 16.2.2 concerning the segment of trafficking victims that are detected. Estimating the number of undetected victims remains a challenge<sup>8</sup>. Until the coverage of these estimates allow for accurate global estimates, the indicator on detected victims can be used to inform the achievement of trafficking in persons-related targets to a certain extent. While this indicator clearly doesn't measure the volume of trafficking in persons, it can monitor how certain population groups such as children and girls are over time exposed to trafficking<sup>9</sup>.

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<sup>5</sup> Even in United Nations Millennium Declaration adopted on 8 September 2000 Member States resolved to intensify efforts to fight transnational crime in all its dimensions, including trafficking in human beings AG resolution 55/2.

<sup>6</sup> The Human Trafficking Global Report published by United Nations Office on Drugs and Crime is currently the only international source of information on victims of trafficking in persons, detailed by age and sex, and form of exploitation suffered, for a large number of countries (85 for 2016 edition). Department of State United States of America also publishes an annual Trafficking in Persons Report but without detailing in accordance with the indicator. The Trafficking in Persons Report is the U.S. Government's principal diplomatic and diagnostic tool to guide engagement with foreign governments on human trafficking. It is also the world's most comprehensive resource of governmental antitrafficking efforts. Since 2010, the Trafficking in Persons (TIP) Report has also ranked the United States government's anti-trafficking efforts using the same minimum standards. Since 2001, the number of countries included and ranked in the TIP Report has more than doubled to 187 countries and territories. Globally, the TIP Report has prompted legislation, national action plans, and implementation of anti-trafficking policies and programs across the 3Ps: Prevention, Protection and Prosecution (Prevention of trafficking in persons, Protection of victims of human trafficking and Prosecution of trafficking offenders).

<sup>7</sup> According to UNICEF, Data availability for over half of child-related SDG indicators is either limited or poor. *Is Every Child Counted? Status of data for children in the SDGs*, UNICEF.

<sup>8</sup> The research community and UNODC are investing in the development of new methodologies to estimate the number of undetected victims.

<sup>9</sup> The data on trafficking in persons regularly collected by UNODC can also be used by Member States to track progress towards the realization of these goals. The statistics on detected victims of trafficking in persons for more than 100 countries around the world, disaggregated by age, sex and forms of exploitation, can help to infer indicator 16.2.2.

For the inaugural report on the SDGs, which takes stock of where the world stands regarding the 2030 targets, UNODC provided this data to help assess the extent of child trafficking. The data showed that the shares of girls and boys among detected victims of human trafficking peaked in 2011 at 21 per cent and 13 per cent, respectively, of the cases detected by authorities that year. More recently, for the year 2014, the share of detected girls among victims of trafficking remained stable at about 20 per cent, while the share of boys decreased to 8 per cent. As a result, the share of child trafficking among the total number of detected victims decreased from 33 to 28 per cent<sup>10</sup>.

According with the last Global Report on Trafficking in Persons<sup>11</sup>, in the last two years, perhaps the most worrying development is that the movement of refugees and migrants, the largest seen since World War II, has arguably intensified since 2014. As this crisis has unfolded, and climbed up the global agenda, there has been a corresponding recognition that, within these massive migratory movements, are vulnerable children, women and men who can be easily exploited by smugglers and traffickers. Nevertheless, the Report states that other changes are more positive and the most is that in September 2015, the world adopted the 2030 Sustainable Development Agenda and embraced goals and targets on trafficking in persons. These goals call for an end to trafficking and violence against children; as well as the need for measures against human trafficking, and they strive for the elimination of all forms of violence against and exploitation of women and girls. *“Thanks to the 2030 Agenda, we now have an underpinning for the action needed under the provisions of the UN Convention against Transnational Organized Crime, and its protocols on trafficking in persons and migrant smuggling”*<sup>12</sup>.

## **II.2 Human trafficking and children trafficking: a single crime but with some different elements**

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<sup>10</sup> Report of the Interagency and Expert Group on Sustainable Development Goal Indicators. Global Report on Trafficking in Persons 2016, UNDOC, United Nations, New York, 2016. The Inter-Agency Coordination Group against Trafficking in Persons (ICAT) seeks to foster coordination and cooperation among relevant United Nations agencies and other international organizations involved in preventing and combating trafficking in persons including protection of and support for victims of trafficking, as reflected in relevant resolutions of the United Nations.

<sup>11</sup> Global Report on Trafficking in Persons 2016, UNDOC, United Nations, New York, 2016

<sup>12</sup> Yury Fedotov, Executive Director United Nations Office on Drugs and Crime, Preface of Global Report on Trafficking in Persons 2016, UNDOC, United Nations, New York, 2016

Human Trafficking, whether of children or of adults, is a hideous crime, a grave and gross violation of human rights that undermines global stability. Every year, thousands of men, women and children fall into the hands of traffickers, in their own countries and abroad. Over 45 million people are estimated to be trafficked or forced into labor around the world, with women and girls comprising 71 percent of all victims. Almost every country in the world is affected by trafficking, whether as a country of origin, transit or destination for victims. Victims from at least 127 countries have been reported to have been exploited in 137 States<sup>13</sup>.

Besides, human trafficking is a regional as well as a domestic crime, with victims trafficked within their own country, to neighbouring countries and between continents. So, victims are trafficked along a multitude of trafficking flows; within countries, between neighbouring countries or even across different continents. For example, victims from East Asia have been identified in more than 20 countries throughout the world, including in Europe, the Americas, the Middle East, Central Asia and Africa<sup>14</sup>.

Therefore, human trafficking is a global problem and one of the world's most shameful crimes, affecting the lives of millions of people around the world and robbing them of their dignity. Traffickers deceive women, men and children from all corners of the world and force them into exploitative situations every day. While the best-known form of human trafficking is for the purpose of sexual exploitation, hundreds of thousands of victims are trafficked for the purposes of forced labour, domestic servitude, child begging or the removal of their organs<sup>15</sup>.

The exploitation of human beings can be highly lucrative for organized criminal groups. Although figures vary, an estimate from the International Labour Organization (ILO) in 2005 indicated that about 2.4 million people were victims of trafficking at any given time, and that profits from trafficking are about \$32 billion per year even though recent research on overall forced labour trends however would suggest that the scope of the problem is much bigger<sup>16</sup>. Thus, human traffickers regard people as commodities; items that can be exploited and traded for profit and human trafficking is one of the most lucrative illicit businesses.

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<sup>13</sup> The Globalization of Crime: A Transnational Organized Crime Threat Assessment.

<sup>14</sup> United Nations Office on Drugs and Crime, Global Report on Trafficking in Persons (February 2009). Available from [www.unodc.org/unodc/en/human-trafficking/global-report-on-trafficking-in-persons.html](http://www.unodc.org/unodc/en/human-trafficking/global-report-on-trafficking-in-persons.html).

<sup>15</sup> <http://www.unodc.org/toc/en/crimes/human-trafficking.html>

<sup>16</sup> International Labour Organization, A Global Alliance against Forced Labour: Global Report under the Follow-up to the ILO Declaration on Fundamental Principles and Rights at Work (Geneva, ILO, 2005). Available [www.ilo.org/wcmsp5/groups/public/@ed\\_norm/@declaration/documents/publication/wcms\\_081882.pdf](http://www.ilo.org/wcmsp5/groups/public/@ed_norm/@declaration/documents/publication/wcms_081882.pdf).

Globally, one in five victims of human trafficking are children, although in poorer regions and sub regions, such as Africa and Greater Mekong, they make up the majority of trafficked persons. Children are exploited for the purposes of forced begging, child pornography or sex. Children are sometimes favoured as labourers as their small hands are deemed better for untangling fishing nets, sewing luxury goods or picking cocoa. Children are also enslaved as child soldiers in war zones<sup>17</sup>. Women meanwhile make up two thirds of the world's human trafficking victims.

### *II.2.1 Trafficking in Persons*

The adoption in 2000 by the United Nations General Assembly of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children<sup>18</sup> marked a significant milestone in international efforts to stop the trade in people<sup>19</sup>.

As the only international legal instrument addressing human trafficking as a crime, the Protocol is the world's premier tool for preventing and combating human trafficking, protecting and assisting victims and promoting cooperation among countries in order to tackle the crime.

A vast majority of States have now signed and ratified the Protocol. As June 2017, there are 171 States Parties to the Protocol<sup>20</sup>. Only, Angola, Bangladesh, Bhutan, Brunei, Comoros, Republic of Congo, Fiji, Iran, Korea (DPRK), Marshall Islands, Nepal, Pakistan, Palau, Papua New Guinea, Solomon Islands, Somalia, South Sudan, Sudan, Tonga, Uganda and Yemen are not still Parties.

Despite a high level of political commitment, implementation of the Protocol by States is still very uneven. The vast majority of acceptance is not enough because translating

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<sup>17</sup> 33 per cent of detected victims are children, which is a 5 per cent increase compared to the 2007-2010 period, according with the Global Report on Trafficking in Persons 2014.

<sup>18</sup> The Protocol was adopted by resolution A/RES/55/25 of 15 November 2000 at the fifty-fifth session of the General Assembly of the United Nations. In accordance with its article 16, the Protocol opened for signature by all States and by regional economic integration organizations and entered into force 25 December 2003, in accordance with article 17, on the ninetieth day after the date of deposit of the fortieth instrument of ratification, acceptance, approval or accession.

<sup>19</sup> Since the abolition of slavery there have international instruments that have dealt with human trafficking. For example, the provisions within the Slavery Convention (1926) and the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery (1956). Most of the international human rights agreements include provisions against the trafficking of persons such as the Universal Declaration of Human Rights (1948), the International Covenants on Civil and Political Rights (1966), the United Nations Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others (1949), the Convention on the Elimination of all Forms of Discrimination Against Women (1979). Those instruments laid the foundation for the contemporary conventions and efforts to eliminating trafficking.

<sup>20</sup> There are 117 Signatories and Parties. Some significant countries have just became Parties in the last three years. It is the case of Japan, that just became Party in 2017 or the Czech Republic, which adhered in 2014 as Afghanistan, Barbados, Eritrea, Sierra Leone and Sri Lanka. The Republic of Korea and Singapore became Parties in 2015 and Maldives in 2016.

its dispositions into reality remains problematic. Very few criminals are convicted and most victims are probably never identified or assisted. At the national level, countries continue to implement the Protocol and work towards integrating anti-human trafficking legislation into their domestic laws. There are also annual improvements in the number of countries with specific legislation, as well as those with special anti-human trafficking police units and national action plans to deal with the issue. However, despite increasing conviction rates for the crime of human trafficking, the number of such convictions remains low. In an effort to tackle this, more effective implementation of the Protocol at the national level and greater degrees of regional and international cooperation are needed

The determined purposes of this Protocol are to prevent and combat trafficking in persons, paying particular attention to women and children; to protect and assist the victims of such trafficking, with full respect for their human rights; and to promote cooperation among States Parties in order to meet those objectives<sup>21</sup>. Those purposes are known as the 3 Ps: Prevention, Protection and Prosecution (Prevention of trafficking in persons, Protection of victims of human trafficking and Prosecution of trafficking offenders).

a) The definition and its elements

As for Article 3, paragraph (a) of the Protocol to Prevent, Suppress and Punish Trafficking in Persons defines Trafficking in Persons *as the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.*

The definition contained in article 3 of the Trafficking in Persons Protocol is meant to provide consistency and consensus around the world on the phenomenon of trafficking in persons

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<sup>21</sup> Article 2 *Statement of purpose* of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime.



In accordance with this definition, three constituent elements stand out: the act, the means and the purpose and the three of them are needed for the crime of trafficking<sup>22</sup>.

So, recruitment, transportation, transfer, harbouring or receipt of persons are the acts, that is, what is done. Threat or use of force, coercion, abduction, fraud, deception, abuse of power or vulnerability, or giving payments or benefits to a person in control of the victim are the means (how it is done)<sup>23</sup> and exploitation, which includes exploiting the prostitution of others, sexual exploitation, forced labour, slavery or similar practices and the removal of organs is the purpose (why it is done).

Being the purpose of the Protocol to prevent and combat human trafficking, article 5 therefore requires that the conduct set out in article 3 be criminalized in domestic legislation. Domestic legislation does not need to follow the language of the Trafficking in Persons Protocol precisely, but should be adapted in accordance with domestic legal systems to give effect to the concepts contained in the Protocol<sup>24</sup> and be flexible enough to respond effectively to all kind of trafficking which occurs both across borders and within a country; has a wide range of exploitative purposes, not just sexual exploitation; takes place with or without the involvement of organized crime groups and victimizes children, women and men.

Women make up two thirds of the world's human trafficking victims. The vast majority of these female victims are young women who are lured with false promises of employment and then raped, drugged, imprisoned, beaten or threatened with violence, have debt imposed on them, have their passport confiscated and/or are blackmailed. Men and boys may be victims of human trafficking for the purposes of forced labour, forced begging and sexual exploitation, and as child soldiers. The percentage of identified male victims is disproportionately lower than that of women for a number of reasons, including the fact that for many years anti-human trafficking legislation around the world tended to focus on trafficking in women and children or trafficking for the

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<sup>22</sup> To ascertain whether a particular circumstance constitutes trafficking in persons, consider the definition of trafficking in the Trafficking in Persons Protocol and the constituent elements of the offense, as defined by relevant domestic legislation.

<sup>23</sup> It is important to underline that, article 1 (b) of the Protocol to Prevent, Suppress and Punish Trafficking in Persons states that: "*The consent of a victim of trafficking in persons to the intended exploitation set forth in subparagraph (a) of this article shall be irrelevant where any of the means set forth in subparagraph (a) have been used*".

<sup>24</sup> In addition to the criminalization of trafficking, the Trafficking in Persons Protocol requires criminalization also of attempts to commit a trafficking offence, participation as an accomplice in such an offence and organizing or directing others to commit trafficking.

purpose of sexual exploitation, of which most victims are women<sup>25</sup>. Children, as it has already been said, are one in five victims of human trafficking.

The many different types of human trafficking mean that there is no single, typical victim profile. Cases are seen in all parts of the world and victims are targeted irrespective of gender, age or background. Children, for example, might be trafficked from Eastern to Western Europe for the purpose of begging or as pickpockets; young girls, for example from Africa, may be deceived with promises of modelling or au pair jobs only to find themselves trapped in a world of sexual and pornographic exploitation; women from Asia may be tricked with promises of legitimate work, which in reality lead to virtual imprisonment and abuse; and men and women alike, for instance those trafficked from South to North America, may be made to work in gruelling conditions on farms.

b) International Framework for Action to Implement the Trafficking in Persons Protocol: The 3 Ps paradigm: prosecution, protection and prevention

The Framework for Action is a technical assistance tool that assists United Nations Member States in the effective implementation of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime. The Framework is based on the objectives of the United Nations Trafficking Protocol and its provisions, following the three internationally recognized themes of prevention, protection and prosecution (the 3Ps) and national and international cooperation and coordination. It recommends operational measures for each of the Protocol's provisions. These measures draw on other international instruments, political commitments, guidelines and good practices to enable the implementation of a comprehensive anti-human trafficking response<sup>26</sup>.

A number of interacting principles applicable to all aspects of a comprehensive anti-human trafficking response are established as guiding principles to address to main challenges in International Framework for Action to Implement the Trafficking in Persons Protocol.

Of course, the United Nations Trafficking Protocol supplements the United Nations Convention against Transnational Organized Crime and should be interpreted together

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<sup>25</sup> Global Report on Trafficking in Persons 2014.

<sup>26</sup> *International Framework for Action to Implement the Trafficking in Persons Protocol*, United Nations Office on Drugs and Crime, Vienna, 2009.

with the Convention. Nothing in the Protocol shall affect the rights, obligations and responsibilities of States and individuals under international law, including international humanitarian law and international human right law, international labour standards and, in particular, where applicable, the 1951 Convention and the 1967 Protocol Relating to the Status of Refugees and the principle of non-refoulement as contained therein.

Other main principles are human rights-based approach<sup>27</sup>, principle of non-discrimination<sup>28</sup> gender-sensitive approach<sup>29</sup> comprehensive international approach<sup>30</sup>, interdisciplinary, coordinated, integrated approach<sup>31</sup>, evidence-based approach<sup>32</sup> and sustainability<sup>33</sup>.

But the most important for our subject is the fourth principle: *Child-Rights approach and child participation*. All actions undertaken in relation to child victims and children at risk should be guided by applicable human rights standards and in particular by the principles of protection and respect for children's rights as set out in the United Nations Convention on the Rights of the Child and in its Optional Protocol on the sale of children, child prostitution and child pornography. Child victims are entitled to special protection measures, irrespective of their legal status both as victims and as children, in

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<sup>27</sup> The human rights of trafficked persons should be at the centre of all efforts to prevent and combat trafficking and to protect, assist and provide redress to victims. Anti-trafficking measures shall not adversely affect the human rights and dignity of persons, in particular the rights of those who have been trafficked, and of migrants, unaccompanied and separated children, internally displaced persons, refugees and asylum-seekers. *IV. Addressing the challenges A. Guiding principles*. International Framework for Action to Implement the Trafficking in Persons Protocol, United Nations Office on Drugs and Crime, Vienna, 2009

<sup>28</sup> Trafficking Protocol should be interpreted and applied in a way that is not discriminatory to persons on the ground that they are victims of trafficking in persons. The interpretation and application of those measures should be consistent with internationally recognized principles of non-discrimination. *Ibid.*

<sup>29</sup> Trafficking in both men and women should be acknowledged and the similarities and differences in the trafficking experience of women and men, in relation to vulnerabilities and violations should be addressed. The differential impacts of policies on men and women should also be taken into account. A gender-sensitive approach empowers potential and actual victims to access information and remedies, and to claim their human rights. It includes ensuring that anti-trafficking strategies address gender-based discrimination and violence, and promote gender equality and the realization of human rights for both women and men. *Ibid.*

<sup>30</sup> Effective action to prevent and combat trafficking in persons, especially women and children, requires a comprehensive international approach in the countries of origin, transit and destination that includes measures to prevent such trafficking, to punish the traffickers and to protect the victims of such trafficking, including by protecting their internationally recognized human rights. *Ibid.*

<sup>31</sup> As a multidisciplinary problem, trafficking in persons requires that policies on a variety of issues are coordinated and consistent with the objective of preventing and combating trafficking in persons. Member States must ensure coordination among the various governmental agencies involved in anti-trafficking activities, among those agencies and NGOs, and among the agencies in one Member State and those in others. *Ibid.*

<sup>32</sup> Policies and measures to prevent and combat trafficking in persons should be developed and implemented based on data collection and research and regular monitoring and evaluation of the anti-trafficking response. *Ibid.*

<sup>33</sup> A sustainable anti-trafficking response is one that endures over time and is able to adapt creatively to changing conditions. Sustainability refers to coherence of practices in both time and efficiency. *Ibid.*

accordance with their special rights and needs. In all actions concerning children at risk and child victims, the best interest of the child shall be the primary consideration<sup>34</sup>.

Nevertheless, the “3P” paradigm, prosecution, protection, and prevention, is the fundamental framework used around the world to combat human trafficking but a “forth P”, for partnership, should complement the former to ensure all segments of society are enlisted in the fight against modern slavery<sup>35</sup>.

*Prosecution* means that under the frameworks set forth effective law enforcement action is an indispensable element of government efforts to fight human trafficking. Governments have to criminalize all forms of human trafficking, vigorously investigate and prosecute cases of human trafficking, and convict and sentence those responsible for such acts with prison sentences that are sufficiently stringent to deter the crime and adequately reflect the heinous nature of the offense<sup>36</sup>.

*Protection* is the key of the victim-centred approach that the international community has adopted in its efforts to combat modern slavery. Effective victim protection entails identifying victims, providing referrals for a comprehensive array of services, directly providing or funding NGOs to provide those services, and supporting these individuals as they rebuild their lives<sup>37</sup>.

Identifying victims is a critical first step in ensuring their ability to receive the support and resources they need. Proactive identification efforts and training for first responders, licensed health care practitioners, and other service providers are critically important to a government’s ability to combat human trafficking. After identification,

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<sup>34</sup> *Ibid*, p. 8.

<sup>35</sup> The 3ps: Prevention, Protection, Prosecution, in *Civilian Security, Democracy and Human Rights, Office to Monitor and Combat Trafficking in Persons* [www.state.gov/j/tip](http://www.state.gov/j/tip) Washington, DC June 2017.

<sup>36</sup> Furthermore, an effective criminal justice response to human trafficking should treat the prosecution of cases as seriously as other grave crimes, such as kidnapping or rape. Governments should hold criminally accountable all perpetrators of human trafficking, including intermediaries aware of the intended exploitation, and should not impose suspended sentences, fines, or administrative penalties in place of prison sentences. Ideally, and consistent with the Palermo Protocol, a victim centred legal framework should also authorize court-ordered restitution or compensation to victims in conjunction with the successful conviction of traffickers. Non-criminal resolutions, such as mediation procedures, fall short of the Palermo Protocol’s standards, which essentially define trafficking in persons as a crime to be prosecuted, not a civil wrong to be remedied by damages alone. Without prison sentences, human traffickers will not be effectively deterred. *The 3ps: Prevention, Protection, Prosecution*, in *Civilian Security, Democracy and Human Rights, Office to Monitor and Combat Trafficking in Persons* [www.state.gov/j/tip](http://www.state.gov/j/tip) Washington, DC June 2017

<sup>37</sup> The best Known is the United Nations Voluntary Trust Fund for Victims of Human Trafficking, launched on November 4, 2010 by United Nations Secretary-General Ban Ki-moon launched to provide humanitarian, legal and financial aid to victims of human trafficking with the aim of increasing the number of those rescued and supported, and broadening the extent of assistance they receive. The Fund was established in accordance with resolution A/RES/64/293 Article 38 of the General Assembly on 12 August 2010 - United Nations Global Plan of Action to Combat Trafficking in Persons.

governments should prioritize the rights and needs of victims to ensure that protection efforts are provided in ways that treat victims with dignity and provide them each the opportunity to return to a life of their choosing. To effectively protect foreign national trafficking victims, governments should enable them to remain in the country, work, and obtain services without fear of detention or deportation for lack of legal status or because of crimes that their traffickers forced them to commit. In addition, governments should ease the process for victims to secure immigration relief. Safeguards should be put in place to ensure the security of victims as well as of their family members who may be at risk of intimidation or retaliation from traffickers. In cases in which trafficking victims, either adults or children, have records for crimes committed as a result of being subjected to trafficking, such records should be vacated or expunged.

Adequate victim protection requires effective partnerships between law enforcement and service providers not only immediately after identification, but also throughout a victim's participation in criminal justice or civil proceedings<sup>38</sup>. Efforts to support foreign national victims of trafficking as they rebuild their lives include voluntary repatriation and assistance in their home communities.

*Prevention* efforts are an equally important component of the global movement to combat human trafficking. Effective prevention efforts address the tactics of human traffickers head on. With the dissemination of accurate and targeted information, communities will be better prepared to respond to the threat of human trafficking. Strategic intervention programs can reach at-risk populations before they are faced with deceitful recruitment practices of those bent on exploiting them for labour or commercial sex. Meaningful partnerships between public and private sectors and civil society can expand awareness, leverage expertise, and facilitate creative solutions<sup>39</sup>.

Additionally, recent innovations in private sector engagement on trafficking in persons hold potential to advance prevention efforts. A new push for corporate accountability calls on companies to focus additional attention on their supply chains, specifically to

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<sup>38</sup> Comprehensive victim services include emergency and long-term services; intensive case management, housing, food, medical and dental care, and legal assistance; and access to educational, vocational, and economic opportunities.

<sup>39</sup> Prevention efforts should also encapsulate cross-cutting endeavours, such as amending labour laws so they do not omit certain classes of workers from coverage; robustly enforcing labour laws, particularly in sectors where trafficking is most typically found; implementing measures, such as birth registration, that reduce vulnerabilities to trafficking; developing and monitoring labour recruitment programs to protect workers from exploitation; strengthening partnerships among law enforcement, government, and NGOs; emphasizing effective policy implementation with stronger enforcement, better reporting, and government-endorsed business standards; monitoring supply chains to address forced labour, including through government procurement policies; and working to reduce demand for commercial sex.

assess the recruitment of their workforce and that of their suppliers, including those harvesting, collecting, or mining raw materials

Prosecution, protection, and prevention efforts are closely intertwined. Indeed, the effectiveness of the 3Ps lies in the fact that they reinforce and complement each other. Prosecution, for example, acts as a deterrent, potentially preventing the occurrence of human trafficking. Likewise, protection can empower those who have been exploited so that they are not re-victimized once they re-enter society. A victim-centred prosecution that enables a survivor to participate in the prosecution is integral to protection efforts.

## II. 2.2 Some Particular Aspects of Children Trafficking

As it has already been said, the crime of human trafficking, in accordance with the Protocol, implies some acts, means and purposes. But, those elements do not apply in the case of children trafficking.

Specifically, Article 3, paragraph (c) of the Protocol to Prevent, Suppress and Punish Trafficking in Persons states that “*The recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation shall be considered “trafficking in persons” even if this does not involve any of the means set forth in subparagraph (a) of this article*”.

This means that any child under the age of 18<sup>40</sup> who is recruited or moved from one place to another to be exploited is considered to have been trafficked, even if no deception or coercion is used. So, movement of children with an intention to exploit is central to this notion of trafficking, even where the action is thwarted and the exploitation unfulfilled. The definition covers, of course, all the exploitative purposes and conditions. Those are so widespread that the risk of not associating recruitment and movement for such activities with trafficking arises. Another risk is due to the close relation among child trafficking, the sale of children, child migration, livelihood opportunities for children, exploitation of children, violence against children and juvenile justice. All of them can be very closely related and not always are covered by the Protocol definition<sup>41</sup>. Consequently, a major challenge is to broaden the perspective

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<sup>40</sup> In accordance with the international rule, a child is any person under eighteen years of age as defined by the United Nations Convention on the Rights of the Child. Article 3, paragraph (d) of the Protocol to Prevent, Suppress and Punish Trafficking in Persons

<sup>41</sup> A child whose situation does not fit this definition may drop out of the system and fail to be given access to appropriate services and assistance. This is a particular risk in countries where the general child

of the child trafficking debate. Some researchers consider that trafficking should be recognized as a broad and cross-cutting child protection concern and look beyond the narrow target group of children currently identified as victims of trafficking or sale according to the legal and operational definitions that vary from one country to another<sup>42</sup>.

On the other hand, Article 6 of the Protocol refers to the assistance to and protection of victims of trafficking in persons and (4) asserts: “ *Each State Party shall take into account, in applying the provisions of this article, the age, gender and special needs of victims of trafficking in persons, in particular the special needs of children, including appropriate housing, education and care*” while Article 9 (1) establishes that States Parties shall establish comprehensive policies, programmes and other measures: To prevent and combat trafficking in persons; and to protect victims of trafficking in persons, especially women children, from revictimization. This might be considered a basis not to prosecute trafficked children for xxx Child trafficking victims should not be prosecuted for criminal activity

Article 35 of the Convention on the Rights of the Child, which acts as a fail-safe protection against both child sale and trafficking, stipulates: “*States Parties shall take all appropriate national, bilateral and multilateral measures to prevent the abduction of, the sale of or traffic in children for any purpose or in any form.*” Hence all children who are sold or trafficked, irrespective of the purpose, should receive protection and assistance from the state.

There is increasing recognition among practitioners that all “children on the move” should receive this assistance and protection. This expression refers to a wide range of

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protection system is weak but specific responses for children who have been trafficked are promoted with priority

<sup>42</sup> An example of this is the “sale of children”. The Convention on the Rights of the Child and its Optional Protocol on the sale of children, child prostitution and child pornography are the key references. According to its Article 2 “*Sale of children means any act or transaction whereby a child is transferred by any person or group of persons to another for remuneration or any other consideration.*” So, the sale of a child does not necessarily include movement and even though the sale of children is in connection with exploitation, this can happen in one place, without moving the child out of his or her social environment. The “sale of children” is therefore distinct from the trafficking of children, which requires movement, thus enhancing children’s vulnerability. *Guidelines on the Protection of Child Victims of Trafficking*, UNICEF Technical Notes, September 2006. It also asserts that “. It is also important to avoid the perpetuation of a dichotomy between ‘deserving’ and ‘undeserving’ children, where a child identified and recognized as a victim of trafficking or sale who might receive assistance is seen as distinct from a child identified as an ‘illegal migrant’ who might be subjected to criminal prosecution, detention or unsafe repatriation. In this sense, the Convention on the Rights of the Child, articles 35 and 36 clearly affirm the right of the child to be protected from abduction, sale and trafficking for any purpose or in any form, and from all other forms of exploitation.

children including those who have been trafficked, child migrants, asylum-seeking children and children who seek family reunification, employment or education opportunities. These categories are not mutually exclusive, as a child's situation may change over time and/or he or she may fall into two or more groups at the same time<sup>43</sup>. Identification and assessments are, however, very complex. Identification is a key issue that decides what happens to the child and determines which laws and policies apply and to which services the child may have access, but it can also block the child's access to systems and services<sup>44</sup>. Lessons learned from research on trafficking indicate that identification is not necessarily carried out in consultation with the child or in the best interest of the child.

As child trafficking is defined as a child being moved by an individual or group of people intending to exploit him or her, it is essential that children are consulted about the nature of their relationship to a perpetrator over time. The intention to exploit a child is often difficult to determine, particularly since the relationship between a victim and trafficker is not necessarily fixed. Instead, power is constantly negotiated, played out and enforced in these relationships. It is important to understand the dynamics of the trafficker–victim relationship. A number of authors highlight the role of 'trust' in mediating these relationships. Children may describe their relationships in positive terms because they trust the person, a family member, relative or friend, who turns out to be a trafficker.

The Palermo Protocol and Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography must be interpreted against this background to provide children with the broadest possible protection from any form of illegal transfer and exploitation.

Another important lesson learned in relation to children is that it is important to make clear distinctions among the needs, problems, responses and capacities of children in different age groups. As understanding of this was developed, it became clear also that

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<sup>43</sup> Commonalities and differences exist between the categories. The differences relate to the 'root causes' of the movement of children, their legal status, the criminal law response (particularly in regard to trafficking), the responses in international standards (trafficking and asylum are priority areas in international law) and the lack of specific standards for the migrant child. Common experiences and similar situations between these categories relate to the fact that these young people are 'on the move' (either accompanied/unaccompanied, legal/illegal, voluntary/forced) and vulnerable to exploitation and abuse. Another commonality is that all children have rights and all groups of children need access to some kind of services. In order to access systems and services, vulnerable children must be identified. .

<sup>44</sup> Since procedural frameworks are in place for asylum-seeking children, it is somewhat easier for this group of children to contact national authorities and access services than it is for migrant children (for whom procedures are lacking).



the cut-off age of 18 is in some ways artificial when we are talking about input to anti-trafficking activities. In some instances, young people above the age of 18 may be involved as “proxies” for those under 18 who are difficult to reach<sup>45</sup>. There is therefore a large category made up of young people (18-25 year-olds) who offer tremendous resources of energy, understanding and information to fight child trafficking.

a) Main Purposes of child trafficking

Unlike human trafficking, special means are not needed for child trafficking but the purposes of the crime, exploitation, is always there. Children are trafficked into a range of exploitative practices that include child sexual exploitation and labour exploitation. In this case, children may be trafficked to work on plantations, in mines or in other hazardous conditions. They are often kept isolated within destination countries and are fearful of reporting the abusive work conditions to authorities. But also children can be trafficked to forced marriage, domestic servitude such as cleaning, childcare, cooking, benefit fraud or criminal activity such as pickpocketing, begging, transporting drugs, working on cannabis farms, selling pirated DVDs and bag theft.

1. Labour exploitation:

According to International Labour Organization, around the world, 215 million boys and girls are engaged in child labour and one hundred and fifteen millions of these children are exposed to its worst forms.

a) *Worst forms of child labour*

The worst forms of child labour are defined in the Worst Forms of Child Labour Convention, 1999 (No.182) as: “*all forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom and forced (a) or compulsory labour, including forced or compulsory recruitment of children for use in armed conflict; the use, procuring or offering of a child for prostitution, for the production of pornography or pornographic performances;(b) the use, procuring or offering of a child for illicit activities, in particular for the production and trafficking of drugs as defined in (c) the relevant international treaties; work which, by its nature or*

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<sup>45</sup> For example a 20 year-old who was trafficked as a child can provide valuable insights into trafficking and its impacts.

*the circumstances in which it is carried out, is likely to harm the health, safety or morals of children.(d)”<sup>46</sup>.*

Removing these children from the worst forms and offering them a future without child labour is an urgent priority and the Guiding principles of the Roadmap for Achieving the Elimination of the Worst Forms of Child Labour, adopted by 2016, calls that Government actions to combat child trafficking, prostitution, production of pornography and the trafficking of drugs should where necessary include international cooperation.

*b. Bonded Labour or Debt Bondage*

One form of coercion used by traffickers in both sex trafficking and forced labour is the imposition of a bond or debt. Some workers inherit debt; for example, in South Asia it is estimated that there are millions of trafficking victims working to pay off their ancestors' debts. Others fall victim to traffickers or recruiters who unlawfully exploit an initial debt assumed, wittingly or unwittingly, as a term of employment. Traffickers, labour agencies, recruiters, and employers in both the country of origin and the destination country can contribute to debt bondage by charging workers recruitment fees and exorbitant interest rates, making it difficult, if not impossible, to pay off the debt. Such circumstances may occur in the context of employment-based temporary work programs in which a worker's legal status in the destination country is tied to the employer so workers fear seeking redress. In certain cases, children are trafficked into bonded labour. The family typically receives an advance payment, often structured so that 'expenses' or 'interest' are deducted from a child's earnings in such amounts that it is nearly impossible to repay the debt or 'buy back' the child.

*c. Forced Labour<sup>47</sup>*

Although children may legally engage in certain forms of work, children can also be found in slavery or slavery-like situations. Some indicators of forced labour of a child include situations in which the child appears to be in the custody of a non-family member who requires the child to perform work that financially benefits someone outside the child's family and does not offer the child the option of leaving, such as

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<sup>46</sup> Recommendation 190, accompanying Convention No.182, provides further guidance.

<sup>47</sup> Forced labour, sometimes also referred to as labour trafficking, encompasses the range of activities - recruiting, harbouring, transporting, providing, or obtaining-involved when a person uses force or physical threats, psychological coercion, abuse of the legal process, deception, or other coercive means to compel someone to work. Once a person's labour is exploited by such means, the person's prior consent to work for an employer is legally irrelevant: the employer is a trafficker and the employee a trafficking victim. Migrants are particularly vulnerable to this form of human trafficking, but individuals also may be forced into labour in their own countries. Female victims of forced or bonded labour, especially women and girls in domestic servitude, are often sexually abused or exploited as well.

forced begging. Anti-trafficking responses should supplement, not replace, traditional actions against child labour, such as remediation and education. Forced labour in extractive industries has also been well-documented<sup>48</sup>.

*d. Domestic work: Domestic Servitude*

The International Labour Organization estimates that the majority of child domestics are girls. Parents and children are often lured by promises of education or a good job. Once trafficked, they may find themselves stripped of their identification papers and lacking any support network. They are dependent on their exploiters for safety, food and shelter, and most endure harsh working conditions. Involuntary domestic servitude is a form of human trafficking found in distinct circumstances that create unique vulnerabilities for victims<sup>49</sup>.

2. Sexual exploitation:

There is no universally accepted definition of trafficking for sexual exploitation. The term encompasses the organized movement of people, usually women, between countries and within countries for sex work. Such trafficking also includes coercing a migrant into a sexual act as a condition of allowing or arranging the migration. Sexual trafficking uses physical coercion, deception and bondage incurred through forced debt. Children, especially girls, are trafficked to work in brothels, massage parlours, prostitution rings or strip clubs, or used to produce pornographic materials. Though it is difficult to determine precisely, ILO global child labour figures for the year 2000 estimate that 1.8 million children were exploited in the commercial sex industry, suffering extreme physical, sexual and psychological violence and abuse by traffickers, pimps and 'customers'. The most common form of human trafficking detected by national authorities is trafficking for the purpose of sexual exploitation, given the prominence and visibility of these forms of exploitation over others. Trafficked women

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<sup>48</sup> However, the link between these industries and sex trafficking is increasingly an issue of grave concern among governments and advocates alike. Bolivian and Peruvian girls are subjected to sex trafficking in mining areas in Peru, and women and girls are subjected to sex trafficking near gold mines in Suriname and Guyana. In Madagascar, the government and NGOs have reported increasing commercial sexual exploitation of children related to mining sectors. In other areas, this type of exploitation involves organized crime. For example, in Colombia, NGOs report organized criminal groups control sex trafficking in some mining areas.

<sup>49</sup> It is a crime in which a domestic worker is not free to leave his or her employment and is abused and underpaid, if paid at all. Many domestic workers do not receive the basic benefits and protections commonly extended to other groups of workers. Moreover, their ability to move freely is often limited, and employment in private homes increases their isolation and vulnerability. Labour officials generally do not have the authority to inspect employment conditions in private homes. Domestic workers, especially women, confront various forms of abuse, harassment, and exploitation, including sexual and gender-based violence.

and children, for instance, are often promised work in the domestic or service industry, but instead are usually taken to brothels where their passports and other identification papers are confiscated. They may be beaten or locked up and promised their freedom only after earning, through prostitution, their purchase price, as well as their travel and visa costs

When a child is recruited, enticed, harboured, transported, provided, obtained, patronized, solicited, or maintained to perform a commercial sex act is human trafficking. There are no exceptions to this rule: no cultural or socioeconomic rationalizations alter the fact that children who are exploited in prostitution are trafficking victims. Sex trafficking has devastating consequences for children, including long-lasting physical and psychological trauma, disease (including HIV/AIDS), drug addiction, unwanted pregnancy, malnutrition, social ostracism, and even death.

Some recent trends are the demand for commercial sex in extractive industries due to the large influx of workers and other individuals<sup>50</sup> and the on line sexual exploitation of children. Indeed, new technologies are facilitating the online sexual exploitation of children, including the live-streaming of sexual abuse of children using web cameras or cell phones, often for profit. Mobile devices also provide new and evolving means by which offenders sexually abuse children as apps are being used to target, recruit, and coerce children to engage in sexual activity. Experts believe tens of thousands of children globally are sexually exploited online, and the number appears to be growing. To reverse this trend, governments must rally significant political will and resources to hold perpetrators accountable, provide comprehensive services to child victims, and prevent the crime from occurring<sup>51</sup>.

### 3. *Marriage:*

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<sup>50</sup> In Senegal, a gold rush resulted in rapid migration from across West Africa; some of these migrants are women and children exploited in sex trafficking. Likewise, in the oil industry, individuals are sometimes recruited with false promises of work opportunities, but instead are exploited in commercial sex. Service providers in areas near camps surrounding large-scale oil extraction facilities, such as the Bakken oil fields in North Dakota in the United States, have reported that sex traffickers have exploited women in the area, including Native American women. *The Link between Extractive Industries and Sex Trafficking*, Civilian Security, Democracy, and Human Rights, United States Department of State Office to Monitor and Combat Trafficking in Persons, [www.state.gov/j/tip](http://www.state.gov/j/tip), Washington, DC June 2017. UNICEF Innocenti Research Centre, Handbook on the Optional Protocol on the sale of children, child prostitution and child pornography

<sup>51</sup> *On line Sexual Exploitation of Children: An Alarming Trend*; Civilian Security, Democracy, and Human Rights United States Department of State Office to Monitor and Combat Trafficking in Persons [www.state.gov/j/tip](http://www.state.gov/j/tip), Washington, DC June 2017

Girls are trafficked as brides for various reasons. When poverty is acute, a girl may be regarded as an economic burden for her family and her marriage to an older man may be seen as a family survival strategy.

Sometimes, the arrangements made by male migrants to find wives from their home regions result in the trafficking of child brides. There is a growing demand by older men for a young virgin bride, particularly in places where the fear and risk of HIV/AIDS infection is high. Sometimes families may encourage their daughters to marry early because they mistakenly believe that it will protect their girls from HIV. Early marriage is common in Central and Western Africa, where 40 per cent and 49 per cent, respectively, of girls under the age of 19 are affected.

#### 4. Illicit adoption:

An increase in demand for adoption has helped to propel the unlawful trafficking of babies and young children. Sometimes mothers from developing countries sell their baby or young child, at other times the infant is stolen and mothers are told the baby was stillborn.

#### 5. Sport

Children, particularly young boys, have been trafficked as camel jockeys. The sport is a lucrative industry, and children are especially appealing jockeys. The sport is a lucrative industry, and children are especially appealing for this purpose because of their small size. The use of children as jockeys in camel racing is extremely dangerous and can result in serious injury and even death. Boys who lose races are often brutalized by their exploiters, deprived of their salary and food, and mentally and physically abused.

#### 6. Begging

Children may be recruited and trafficked to earn money for others by begging or selling goods on the street. In some cases, child beggars are maimed by their captors to engender sympathy and greater charity<sup>52</sup>.

#### 7. Military conscription

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<sup>52</sup> As is the case of the Talibe' in West Africa or street begging in Europe. *Combating Child Trafficking*, Inter-Parliamentary Union and UNICEF, 2005.

It is estimated that child soldiers have been used in more than 30 ongoing or recent armed conflicts in almost every region of the world. Some children join fighting forces due to poverty or abuse, others are forcibly recruited or abducted. Children's roles in conflicts vary. They are used as messengers, porters, cooks, 'wives' who provide sexual services or as combatants. Child soldiering is a manifestation of human trafficking when it involves the unlawful recruitment or use of children by armed forces as combatants or other forms of labour. Perpetrators may be government armed forces, paramilitary organizations, or rebel groups. Many children are forcibly abducted to be used as combatants. Others are made to work as porters, cooks, guards, servants, messengers, or spies. Young girls may be forced to "marry" or be raped by commanders and male combatants. Both male and female child soldiers are often sexually abused or exploited by armed groups and such children are subject to the same types of devastating physical and psychological consequences associated with child sex trafficking<sup>53</sup>.

#### 8. *Illegal activity*

Cases of children and adults exploited in the cultivation of cannabis, trafficked for shoplifting, for theft and other forms have been reported in countries in Europe and Central Asia, South America and Africa. About 1 per cent of the total number of detected victims in 13 countries were trafficked for the commission of illegal activity.

#### 9. *Organ removal*

Organ removal is another purpose for child trafficking but there are not yet data about this purpose of children trafficking. Nevertheless, trafficking of migrants for extortion and organ removal have been recently reported in African routes. The issue of forced removal of organs in the context of trafficking in persons and migrant smuggling in North-Eastern

Africa gained renewed international attention in July 2016, when the Italian authorities arrested 38 people suspected of being members of a transnational organised criminal group involved in these crimes. The investigation revealed that Eritrean migrants, who had been kidnapped along the route to North Africa and who were unable to pay

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<sup>53</sup> *Child recruitment, release and reintegration* Office to Monitor and Combat Trafficking in Persons [www.state.gov/j/tip](http://www.state.gov/j/tip) Washington, DC, June 2017. *The Paris Commitments to Protect Children from Unlawful Recruitment or Use by Armed Forces or Armed Groups; The Paris Principles and Guidelines on Children Associated with Armed Forces or Armed Groups*; Advocacy brochure on the Paris Commitments and Paris Principles on Children Associated with Armed Forces or Armed Groups, December 2012; Third Follow-Up Forum to the Paris Commitments and Paris Principles on Children Associated with Armed Forces or Armed Groups, 2010 UNICEF; N'Djamena Declaration on Ending Recruitment and Use of Children by Armed Forces and Groups, 2010 UNICEF.

ransoms, were killed to remove their organs. The organs were then sold for around US\$15,000.

a) Sings indicators and effects of child trafficking

If trafficked children are to be protected, they must be first identified. Identifying a child who has been trafficked may be difficult, even more so when children may not understand they are victims and most of them find it difficult to talk about their experiences.

That is the main reason why UNDOC has published some indicators of human trafficking in the case of children. Children who have been trafficked may: Have no access to their parents or guardians; Look intimidated and behave in a way that does not correspond with behaviour typical of children their age; Have no friends of their own age outside of work; Have no access to education; Have no time for playing; Live apart from other children and in substandard accommodations; Eat apart from other members of the “family”; Be given only leftovers to eat; Be engaged in work that is not suitable for children; Travel unaccompanied by adults or travel in groups with persons who are not relatives.

Other signs that might also indicate that children have been trafficked are the presence of child-sized clothing typically worn for doing manual or sex work; the presence of toys, beds and children's clothing in inappropriate places such as brothels and factories; the claim made by an adult that he or she has “found” an unaccompanied child; the finding of unaccompanied children carrying telephone numbers for calling taxis or the discovery of cases involving illegal adoption<sup>54</sup>.

Besides, some unusual behaviours or events can warn or alert about a child being trafficked. For example, spending a lot of time doing household chores or being orphaned or living apart from their family, often in unregulated private foster care, or living in substandard accommodation, is not sure which country, city or town they are in, is unable or reluctant to give details of accommodation or personal details, has no documents or has falsified documents, has no access to their parents or guardians, possesses unaccounted for money or goods, has injuries from workplace accidents, gives a prepared story which is very similar to stories given by other children.

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<sup>54</sup> Human Trafficking Indicators, [www.unodc.org](http://www.unodc.org) (May 2017).

Child trafficking requires a network of people who recruit, transport and exploit children and young people. Each group or individual has a different role or task. Some people in the chain might not be directly involved in trafficking a child but play a part in other ways such as falsifying documents, bribery, owning or renting premises or money laundering. So, traffickers may be individuals or small groups who recruit a small number of children often from areas they know and live in; or medium-sized group who recruit, move and exploit, often on a small scale or, finally, large criminal networks that operate internationally and can deal with high-level corruption, money laundering and large numbers of victims.

There are also signs that an adult is involved in child trafficking, such as making multiple visa applications for different children, acting as a guarantor for multiple visa applications for children, travelling with different children who they are not related to or responsible for, insisting on remaining with and speaking for the child, living with unrelated or newly arrived children, abandoning a child or claiming not to know a child they were previously with<sup>55</sup>.

Finally, physical and mental consequences of trafficking for victims must be commented. Child victims of human trafficking face significant problems. Often physically and sexually abused, they have distinctive medical and psychological needs that must be addressed before advancing in the formative years of adulthood. Child victims of exploitation can face a number of long-term health problems like sleeping and eating disorders, sexually transmitted diseases, HIV/AIDS, pelvic pain, rectal trauma and urinary difficulties from working in the sex industry, drug addiction, chronic back, hearing, cardiovascular or respiratory problems from endless days toiling in dangerous agriculture, sweatshop or construction conditions, fear and anxiety, depression, mood changes, guilt and shame, cultural shock from finding themselves in a strange country, posttraumatic Stress Disorder or traumatic bonding with the trafficker.

#### b) Protection and Prevention

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<sup>55</sup> Prosecutions of traffickers are rare because legislation may be ineffective or may not exist, victims may be afraid or reluctant to give evidence or trafficking networks can make it difficult to gather evidence on individuals. Other criminal activities involved in trafficking are often easier to prosecute. For example assisting unlawful immigration, rape, kidnapping/abduction, false imprisonment, threats to kill, causing, inciting or controlling prostitution for gain



Protection is a broad term that includes both protection of children to prevent them from being trafficked and protection of victims of trafficking from further harm<sup>56</sup>. All children have a right to be protected, not only those who are at risk of trafficking, and reinforcing protection for all children also reduces the vulnerability of sub-groups of children. The concept of building a protective environment for children includes putting in place policies and programmes that ensure children's rights to survival, development and well-being in general. Child protection systems comprise the set of laws, policies, regulations and services needed across all social sectors, especially social welfare, education, health, security and justice, to support prevention and respond to protection related risks<sup>57</sup>. UNICEF has described the protective environment as a situation “*where girls and boys are free from violence, exploitation and unnecessary separation from family, and where laws, services, behaviours and practices minimize children's vulnerability, address known risk factors, and strengthen children's own resilience.*”<sup>58</sup>

The broad protection/protective environment approach is clearly anchored in human rights in general and children's rights in particular. It is predicated on the clear understanding that building a world that is fit for children is the surest way to reduce and eventually eliminate all threats to their well-being, and ultimately to that of their families, communities and society as a whole. This over-arching goal underpins all actions for and with children, including actions aimed specifically at combating child trafficking.

It is also clear that anti-trafficking actions may have to be targeted in the first place at the children most at risk, however it is vital never to lose sight of the imperative to protect all children<sup>59</sup>.

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<sup>56</sup> UNICEF emphasizes the point that successful child protection always begins with prevention, that is, with broad measures that are aimed at building the kind of world in which children do not get trafficked in the first place. The priority given to education, health and addressing gender discrimination in the Sustainable Development Goals underpins this essential point.

<sup>57</sup> These systems are part of social protection, and extend beyond it. They include the aim of supporting and strengthening families to reduce social exclusion, and to lower the risk of separation, violence and exploitation. Strategic actions for supporting national child protection systems include: incorporation of child protection into national and decentralized planning processes, including social protection strategies; ensuring that social protection reform contributes to the achievement of child protection outcomes; promotion of justice for children within the Rule of Law agenda; strengthening coordination amongst child protection system actors; strengthening the social welfare sector; and supporting birth registration. Training Manual to Fight Trafficking in Children for Labour, Sexual and other Forms of Exploitation, Action against child trafficking at policy and outreach levels, UNICEF/ILO, 2009.

<sup>58</sup> *Training Manual to Fight Trafficking in Children for Labour, Sexual and other Forms of Exploitation, Action against child trafficking at policy and outreach levels*, UNICEF/ILO, 2009, P.8-14.

<sup>59</sup> *Training Manual to Fight Trafficking in Children for Labour, Sexual and other Forms of Exploitation, Action against child trafficking at policy and outreach levels*, UNICEF/ILO, 2009, P.8-14.

Protection actions in anti-trafficking work focused on children contribute to preventing these particular children from being trafficked, but this does not mean that the crime of trafficking is stopped. The traffickers may move their operations elsewhere or focus on other groups of people<sup>60</sup>. Prevention actions should therefore generally focus on addressing the problem of trafficking itself, including demand for exploitation in all its forms. An important one is strengthening the legal framework. The United Nations High Commissioner for Human Rights' Recommended *Principles and Guidelines on Human Rights and Human Trafficking* call on states to provide for criminal liability for trafficking offences and effective penalties, including those that fall under extradition treaties, and to confiscate both the proceeds and the instruments of trafficking. The guidelines cover the status of the victim in legislation and protection for witnesses. The document notes that one of the major obstacles identified in the fight against trafficking is the lack of specific and/or adequate legislation and calls on countries to amend or adopt legislation so that the crime of trafficking is precisely defined.

Despite this, many countries still do not have specific anti-trafficking laws. Legislation and law enforcement are often also weak in relation to those sectors of the labour market where many trafficked children end up, such as domestic labour. Because labour inspectors and law enforcement officials cannot readily enter the 'premises' in which domestic labourers are to be found – generally private homes – these workers are denied the protection that the law should offer them.

The Palermo Protocol also calls for the criminalization of corruption on the part of public or other officials that allows trafficking to occur<sup>61</sup>. Other measures as promoting safe, legal migration for decent work for youth of legal working age or registration, licensing and monitoring of employment agencies are important ways of preventing child trafficking.<sup>62</sup>

### **II.3 Children among main targets of human traffickers**

Child trafficking besides a hideous crime is also a hidden crime. Over the last 10 years, the profile of detected trafficking victims has changed. Although most detected victims

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<sup>60</sup> Sometimes called 'displacement and replacement' or 'push down, pop up'.

<sup>61</sup> This ranges from border guards who turn a blind eye to irregular documentation, to civil service agents who provide illegal documents, for example a copy of someone else's birth certificate so that the trafficked child's age can be hidden, and others who, in various ways, contribute to trafficking

<sup>62</sup> *Training Manual to Fight Trafficking in Children for Labour, Sexual and other Forms of Exploitation, Action against child trafficking at policy and outreach levels*, UNICEF/ILO, 2009, P.22-28.

are still women, children and men now make up larger shares of the total number of victims than they did a decade ago. In 2014, children comprised 28 per cent of detected victims, and men, 21 per cent<sup>63</sup>. The share of detected trafficking cases that are carried out within a country's borders has also increased significantly in recent years, and some 42 percent of detected victims between 2012 and 2014 were trafficked domestically. Traffickers and their victims often come from the same place, speak the same language or have the same ethnic background. Such commonalities help traffickers generate trust to carry out the trafficking crime. Conflicts create favourable conditions for trafficking in persons, but not only by generating a mass of vulnerable people escaping violence. Armed groups engage in trafficking in the territories in which they operate, and they have recruited thousands of children for the purpose of using them as combatants in various past and current conflicts. While women and girls tend to be trafficked for marriages and sexual slavery, men and boys are typically exploited in forced labour in the mining sector, as porters, soldiers and slaves.

### III.3.1. Evolution and data.

In 2012 the United Nations Office on Drugs and Crime reported that the percentage of child victims had risen in a 3 year span from 20 per cent to 27 per cent. Of every three child victims, two are girls and one is a boy<sup>64</sup>. Children remained the second most commonly detected group of victims of trafficking globally after women, ranging from 25 to 30 per cent of the total over the 2012-2014 period. This represents a 5 percentage points decrease from 2011; largely due to reductions in the number of boys detected in 17 reporting countries.

Children make up almost one-third of all human trafficking victims worldwide, according to the UN agency's latest report on trafficking. In addition, women and girls comprise 71 per cent of human trafficking victims. Just as tragically, 79 per cent of all detected trafficking victims are women and children<sup>65</sup>.

According to UNICEF, 2 million children are subjected to prostitution in the global commercial sex trade while 50% of the range of 2 to 4 million of people exploited for forced labour or commercial sex are children.

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<sup>63</sup> In parallel with the significant increases in the share of men among detected trafficking victims, the share of victims who are trafficked for forced labour has also increased. About four in 10 victims detected between 2012 and 2014 were trafficked for forced labour, and out of these victims, 63 per cent were men

<sup>64</sup> Gender and age profile of victims detected globally were 59% Women - 14% Men - 17% Girls and 10% were Boys.

<sup>65</sup> Global Report on Trafficking in Persons 2016, UNDOC, United Nations New York, 2016

All this means that the impact of human trafficking has surpassed the illegal sale of arms and will soon, if not yet, surpass the illegal sale of drugs. Drugs are used once and they are gone. Victims of child trafficking can be used and abused over and over

The age profiles of the detected victims vary significantly by region. For instance, countries in Sub-Saharan Africa detect, by far, more child victims (64 per cent) than adult victims. Countries in Central America and the Caribbean also mainly detect child victims. The wealthier countries of North America, Europe and the Middle East, on the other hand, typically report relatively small shares of child victims (20-25 per cent).

Those differences might respond to the 'availability' of child victims. As a general statistical result, countries with younger populations tend to have higher levels of child trafficking. Access to education may also be a factor as well as the absence of solid institutions dedicated to child protection, including the criminal justice system. The detection of child victims is more significant in countries with lower levels of human development, while more developed countries report less child trafficking.

In most areas of the world, the information on detected victims shows that trafficking in persons mainly affects women and girls. Females are chiefly trafficked for sexual exploitation, but also for sham or forced marriages, for begging, for domestic servitude, for forced labour in agriculture or catering, in garment factories, and in the cleaning industry and for organ removal.

In the context of migrants and refugees particularly vulnerable to trafficking, an additional concern is the increasing numbers of unaccompanied and separated children who have irregularly migrated to the European Union over the last two years. In 2014, over 23,000 asylum applicants in the EU were considered to belong to this category. In Italy, between January and June 2016, the number of unaccompanied minors reaching the country by sea more than doubled compared to the same period in 2015, reaching about 10,000. There is a major risk that many of these children end up in sexual exploitation (West African girls), forced labour and begging (North African and South Asian boys), or exploited in city markets or in the streets to pay back the debt their families incurred for their travel to Europe.

On the other hand, armed conflicts represent an opportunity for traffickers. The state of impunity originating from the erosion of the rule of law and the breakdown of order allows traffickers to operate more easily and their business to thrive. Trafficking of children for exploitation as combatants in armed conflicts is widely documented in

different regions of the world. There is also evidence of children<sup>66</sup> who have been forcibly recruited by armed groups to fight and provide labour and sexual services<sup>67</sup>. Recently, reports have surfaced that children in northern Nigeria are being forced by the terrorist group Boko Haram to carry out suicide attacks<sup>68</sup>, the ultimate form of exploitation<sup>69</sup>. But Child soldiering is not limited to Africa. A 2015 report by the International Organization for Migration found that in 2013-2014, armed opposition groups in Iraq were actively and forcibly recruiting children as young as 13 to serve as fighters. A number of official documents and reports from human rights organisations also provide evidence of the recruitment of children for exploitation in armed conflict by the different armed factions involved in the Syrian conflict, including the Islamic State in Iraq and the Levant (also known as Daesh), the Kurdish People's Protection Units (YPG) and the Nusra Front<sup>70</sup>. In an armed conflict situation, trafficking in persons is also used as a strategy to target ethnic and religious minorities. In conflict situations, women and girls are particularly vulnerable to sexual and gender-based violence, including trafficking in persons for sexual exploitation. One widely reported example of

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<sup>66</sup> But also men and women.

<sup>67</sup> For instance, in the Central African Republic boys are domestically trafficked to serve as combatants in the armed forces. In 2014, as many as 6,000 children were estimated to be associated with different armed groups involved in this conflict. Similarly, between 2010 and 2013, the United Nations documented 4,194 cases of children forcibly recruited to serve as combatants, escorts, cooks, porters, guards and sex slaves in the Democratic Republic of the Congo by many of the armed groups operating in that country and in neighbouring countries. The United Nations Mission in the Central African Republic and Chad documented how, between 2008 and 2010, the different armed groups operating were recruiting children in at least two large camps, giving shelter to refugees who had fled to eastern Chad from the conflict in Darfur. In April 2012, former Liberian president Charles Taylor was convicted by the UN Special Court for Sierra Leone for crimes violating Article 3 Common to the Geneva Conventions and of Additional Protocol II, crimes against humanity and other serious violations of international humanitarian law during the civil war in Sierra Leone in the 1990s. The court convicted him of planning, aiding and abetting the commission of crimes, including the use of child soldiers, sexual slavery and sexual violence and enslavement, as well as for other charges under the competence of the Court. There was evidence that about 2,200 children under the age of 15 had been abducted between 1996 and 2002 Special Court for Sierra Leone, Trial Chamber II, Prosecutor v. Charles Taylor, *Judgement* (SCSL-03-01-T), 18 May 2012 (p. 497)

<sup>68</sup> S/PRST/2015/4, United Nations Security Council, *Statement by the President of the Security Council*, 19 January 2015.

<sup>69</sup> In May 2015, for example, a 12-year-old girl was used to detonate a bomb at a bus station in Damaturu. Seven people were killed. In 2016, UNICEF reported that suicide attacks by Boko Haram rose 11-fold from 2014 to 2015, and that 20 per cent of the attacks were committed by children as young as eight UNICEF, *Beyond Chibok*, briefing, April 2016.

<sup>70</sup> A/HRC/26/CRP.2, United Nations General Assembly, *Oral Update of the Independent International Commission of Inquiry on the Syrian Arab Republic*, 16 June 2014; A/HRC/28/69, United Nations General Assembly, *Report of the Independent International Commission of Inquiry on the Syrian Arab Republic*, 5 February 2015.

this practice is the trafficking in persons and enslavement of women and children of the Yazidi ethno-religious group by ISIL in Iraq and the Syrian Arab Republic<sup>71</sup>.

The United Nations Special Rapporteur on trafficking in persons, especially women and children, notes that, although child trafficking often involves abduction or coercion, recruiters also appeal to notions of martyrdom and indoctrination to enlist children.

Trafficking in persons also finds favourable conditions in post-conflict situations. Absent or dysfunctional law enforcement and justice institutions, destroyed communities, lack of basic resources and militarized societies tolerant of high levels of violence fuel trafficking in persons in post-conflict contexts.

### III.3.2 Regional Overviews

In 2014, still more than a quarter of the detected trafficking victims in 2014 were children. But, since then, the largest movement of refugees and migrants, seen since World War II, implies that, within these massive migratory movements, are vulnerable children, women and men who can be easily exploited by smugglers and traffickers.

In Sub-Saharan Africa and Central America and the Caribbean, a majority of the detected victims are children. There are several reasons, such as demographics, socioeconomic factors, legislative differences and countries' institutional frameworks and priorities. There seems to be a relation between a country's level of development and the age of detected trafficking victims. In the least developed countries, children often comprise large shares of the detected victims.

There are clear regional differences with regard to the sex of detected child victims. Countries in Sub-Saharan Africa detect more boys than girls, which seems to be connected with the large shares of trafficking for forced labour, child soldiers (in conflict areas) and begging reported in that region. In Central America and the Caribbean and South America, on the other hand, girls make up a large share of the detected victims, which could be related to the fact that trafficking for sexual exploitation is the most frequently detected form there<sup>72</sup>.

#### a) Europe

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<sup>71</sup> The United Nations Assistance Mission for Iraq (UNAMI) and the United Nations Office of the High Commissioner for Human Rights (OHCHR) reported in October 2015 that Islamic State was holding approximately 3,500 civilians, mostly women and children, primarily Yazidi.

<sup>72</sup> All the data are taken out from the Global Report on Trafficking in Persons 2016, UNDOC, New York, 2016.

Considering data from the last seven years, detections of men and children have fluctuated year-on-year, but clearly increased over the period. The shares of detected women, on the other hand, have decreased consistently and significantly. Trafficking for the purpose of sexual exploitation is the most commonly reported form in this part of the world. Women and girls are mostly trafficked for the purpose of sexual exploitation. Some 4 per cent of the detected victims who were trafficked for sexual exploitation in this region were males<sup>73</sup>. In addition, victims were trafficked for sham and forced marriages and for mixed forms of exploitation (usually involving a combination of sexual exploitation and some type of forced labour). About 85 per cent of the victims trafficked for other purposes were females, especially girls.

The European Union and the United Nations Office on Drugs and Crime have launched The Global Action to Prevent and Address Trafficking in Persons and the Smuggling of Migrants in a four-year (2015-2019) joint initiative being implemented in partnership with the International Organization for Migration (IOM) and the United Nations Children's Fund (UNICEF)<sup>74</sup>.

Over the past three years, IOM Italy has seen an almost 600 per cent increase in the number of potential sex trafficking victims arriving in Italy by sea, the report states that sexual exploitation increasingly involves younger girls, often minors, who are already subject to violence and abuse on their way to Europe<sup>75</sup>.

#### b) North and Central America and the Caribbean

In North America, the most frequently detected victims are women (60%) and the most frequently detected form of exploitation is sexual exploitation (55%) being the emerging trend that many women and girls are trafficked for forced labour. The share of children among the detected victims ranges around 20 per cent. Over the years, the trend

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<sup>73</sup> Nearly 4 per cent of the victims were trafficked for 'other' purposes, including about 0.7 per cent for begging, and another 0.7 per cent for the commission of crime

<sup>74</sup> The programme forms part of a joint response to trafficking in persons and the smuggling of migrants and it is expected to be delivered in up to 15 strategically selected countries across Africa, Asia, Eastern Europe and Latin America. A focus will be placed on assistance to governmental authorities, civil society organizations, victims of trafficking and smuggled migrants.

<sup>75</sup> IOM estimates that 80 per cent of girls arriving from Nigeria – whose numbers have soared from 1,454 in 2014 to 11,009 in 2016 – are potential victims of trafficking for sexual exploitation *Report on Arrivals of Sexually Exploited Migrants, Chiefly from Nigeria 4.* UN Migration Agency [http://www.italy.iom.int/sites/default/files/news-documents/RAPPORTO\\_OIM\\_July\\_2017...](http://www.italy.iom.int/sites/default/files/news-documents/RAPPORTO_OIM_July_2017...)

in detections of child victims followed global patterns, with some increases during the 2010-2014 period, and stabilization more recently<sup>76</sup>.

On the contrary in Central America and the Caribbean, the most frequently detected victim profile are girls, 46% while the most frequently detected form of exploitation is also sexual exploitation, 57%. Many children are found among the detected victims, being

, child trafficking the most frequently detected form of trafficking in Central America and the Caribbean. This area has the second-highest level of child trafficking detected globally, after Sub-Saharan Africa.

c) South America

In this region, the most frequently detected victim profile is women, 45% and the most frequently detected form of exploitation is sexual exploitation, 57%. In the last years, child trafficking was detected more frequently than adult trafficking in Ecuador, Peru and Bolivia while adult victims were more frequently detected in Argentina, Chile and Uruguay.

Several South American court cases describe trafficking for domestic servitude following a pattern where girls are trafficked by individuals or couples for exploitation in a household. South American countries reported a relatively large share of trafficking for 'other' purposes. A significant portion were victims of illegal adoption or baby selling and about 2.5 per cent of the victims were trafficked for the production of pornographic material. Trafficking for the purpose of begging, for the commission of crime and for forced marriage were also reported

d) East Asia and the Pacific

The most frequently detected victim profile is women, 51%, with a significant number of girls being the most frequently detected form of exploitation sexual exploitation with 61%. Due to the frequent trafficking of girls, children comprise nearly a third of the victims detected in East Asia and the Pacific.

Another different issue that also occurs in this part of the world is the use of sham marriages as a means of deception for the purpose of exploitation. There is no unified

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<sup>76</sup> Many youth, especially U.S. citizen children trafficked within the U.S., run away from problems at home and may be exploited as a result of emotional vulnerability, homelessness and the need to survive. d. The sexual exploitation of children is not limited to particular racial, ethnic or socioeconomic groups, although children from poor families appear to be at somewhat higher risk of commercial sexual exploitation



understanding in Central Asia of the concept of child trafficking; there are few officially registered cases of child trafficking or sale in each country. Anti-trafficking legal frameworks do not adequately protect children. Policy frameworks exist but child trafficking is insufficiently or inadequately addressed within these action plans<sup>77</sup> Regional cooperation takes place within Central Asia and the Commonwealth of Independent States

e) South Asia

The available information concerning South Asia is very poor, without available data from governments<sup>78</sup>. The lack of data means that no conclusive regional information for the 2012-2014 period can be presented. Information from 2010-2012<sup>79</sup> showed that about 40 per cent of the victims detected at that time were children. Child trafficking in the region has also been reported by international organizations operating in South Asia. According to these sources, children are being trafficked for the purpose of bonded labour, and girls, in particular, are being trafficked for domestic servitude and for child marriage<sup>80</sup>

f) Sub-Saharan Africa

The majority of the detected victims in Sub-Saharan Africa are children. Nearly two thirds of the approximately 5,500 victims detected in this region between 2012 and 2014 were underage. African countries report more boys than girls among the detected trafficking victims. The high prevalence of child trafficking can be observed in different parts of the region. It appears to be more pronounced in West Africa than in Southern Africa. Among the child victims, boys are more frequently detected than girls. This is connected with the prevalent forms of exploitation in this part of the world, which include trafficking for forced labour and child soldiers. This form of trafficking affects children of both genders<sup>81</sup>.

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<sup>77</sup> Risks and Realities of Child Trafficking and Exploitation in Central Asia unite for children Risks and Realities of Child Trafficking and Exploitation in Central Asia 2009.

<sup>78</sup> Detailed information concerning the profile of the detected victims of trafficking in persons was only available from Nepal, where most of the detected victims were adults.

<sup>79</sup> Published in the 2014 Global Report on Trafficking in Persons.

<sup>80</sup> Child Trafficking in East and South-East Asia: Reversing the Trend UNICEF EAPRO / August 2009

<sup>81</sup> For example, in Benin, it is reported the phenomenon of 'vidomégon' children. Traditionally, these children were placed in families who were responsible for their care and education, but many of them end up out of school and exploited at markets, in street trading and in domestic work. Similar situations are reported throughout West Africa, as well as in the Congo and the Great Lakes area

Trafficking of children for exploitation in the fishing industry has been documented by different actors in many Sub-Saharan countries, from West Africa to the Great Lakes, and on the African islands. Trafficking for exploitation in agriculture has been reported by various national and international authorities, including exploitation in the cocoa and cotton plantations of West Africa. Trafficking in the mining sector and exploitation of children in quarries has also been widely reported. In several conflict and post-conflict countries. The use of children as combatants takes place in some conflict and post-conflict countries of the region. The number of identified victims is significant, as earlier explained. Trafficking for the purpose of begging is also widely documented. Trafficking for sexual exploitation is reported through out the region, either with regard to sexual slavery in the context of conflict, or in trafficking for the prostitution of others, which mainly occurs in urban centres and in tourist areas. About 29 per cent of the victims detected in this region between 2012 and 2014 were trafficked for sexual exploitation. Victims are normally trafficked from rural to urban areas, as is the case of children trafficked for different forms of domestic servitude or for use as vendors at street markets.

Children trafficked into the fishing, agricultural or mining sectors, or for sexual exploitation, largely come from poorer areas of the country. They are then exploited in locations with relevant economic activity, such as large quarries, coasts or lakes, tourist areas and similar settings.

A total of 30 African countries have anti-trafficking laws (although not necessarily limited to the trafficking of children)<sup>82</sup> while anti-trafficking bills are pending in six more. Sixteen countries criminalise child prostitution and child pornography or both<sup>83</sup>. Some countries in West Africa still only criminalize trafficking in children or trafficking for sexual exploitation, however, and a few countries do not criminalize any aspects of trafficking in persons.<sup>84</sup>

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<sup>82</sup> *The African Report on Violence against Children*. The African Child Policy forum (ACPF) 2014.

<sup>83</sup> Countries with legislation on computer- facilitated offences or cyberspace violence include Egypt, Madagascar, Mauritius, South Africa and Tunisia. The Kampala Conference on Child Justice was hosted by ACPf and defence for Children international (dCi), with the support of the government of Uganda and the Special Representative of the Secretary General on Violence against Children.

<sup>84</sup> A report investigates the relationships between poverty, migration and children's wellbeing in Ethiopia. The research draws on qualitative and participatory methodologies to explore the drivers of migration, to assess the key threats girls face in destination countries and to consider improvements in programming that could afford better protection, reflecting the views of the girls and families involved in the research. *Rethinking girls on the move. The intersection of poverty, exploitation and violence experienced by Ethiopian adolescents involved in the Middle East 'maid trade'* Nicola Jones, Elizabeth Presler-Marshall

f) North Africa and the Middle East

There are different patterns within the region with regard to the profiles of detected victims. At the regional level, most victims are adults, with somewhat more women than men. But while the Middle East countries detect very few child victims and a large share of men, in North Africa, children are more frequently detected than adults. Both areas detect significant shares of women. In North Africa, Algeria is a primarily a transit country because of its prime geographical location for smugglers from Sub-Saharan Africa and the Middle East to get into Europe. Libya also is a major transit country because it is relatively easy for smugglers to get through Libyan borders unhindered because the situation is so unstable. Without a strong Libyan Government, it is almost impossible to combat human trafficking and to enforce anti-human trafficking laws. Finally, the suffering of children in war-torn Syria “hit rock bottom” in 2016 with the highest number of grave violations against them since verification began in 2014. UNICEF says that violence and conflicts are putting the lives and futures of nearly 27 million children at risk, impacted by violence in Yemen, inside Syria and refugee hosting countries, the Occupied Palestinian Territory, Libya and Sudan, as well as Iraq.

In conclusion, Governments hold a unique position in the fight against human trafficking, in that they have ultimate responsibility for punishing perpetrators, protecting victims, and preventing trafficking crimes but all of us must react in order to end this unacceptable crime. But fighting human trafficking, and specially children, should not just be seen as the responsibility of the authorities because all of us can help to eradicate this horrible crime and can act in a responsible way, making sure that your consumer choices and actions are ethical ones.